

**MINUTES
COLUMBUS PLAN COMMISSION MEETING
JULY 2, 2008 AT 4:00 P.M.
MEETING HALL, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), Bryan Haza, Steve Ruble, Ann DeVore, Dennis Crider, Roger Lang, Rachel Quisenberry, Dick Gaynor, John Hatter and Tom Finke (County Plan Commission Liaison).

Members Absent: Dave Bonnell and Tom Wetherald.

Staff Present: Jeff Bergman, Heather Pope, Sondra Bohn, Emilie Pannell, Rae-Leigh Stark, John Wallace, Thom Weintraut and Alan Whitted (Deputy City Attorney).

CONSENT AGENDA

Minutes of the June 4, 2008 meeting.

Motion: Ms. DeVore made a motion to approve the minutes as presented. Mr. Haza seconded the motion and it carried unanimously by voice vote.

Mr. Fisher stated that Mr. Tom King had resigned from the Plan Commission at last month's meeting and he introduced Mr. Dick Gaynor as the new member to the Plan Commission.

OLD BUSINESS REQUIRING COMMISSION ACTION

RZ-08-08: Kennedy Rezoning – a request by Bertha M. Kennedy to rezone a property of 2.4 acres from RMH (Manufactured Home Park) to CC (Community Commercial). The property is located on the northeast corner of Gladstone Avenue and State Street (State Road 46) in the City of Columbus. This request was referred back to the Plan Commission by the City Council for consideration of additional rezoning conditions.

Mr. Bergman presented the background information on this request.

Mr. Bergman stated that this request had been to the City Council; Plan Commission had sent it forward with a favorable recommendation and attached the following condition: (1) Any new use of the property, other than the existing mobile home park, shall be designed to specifically exclude any and all vehicle access from State Street.

Mr. Bergman stated it has been sent back to the Plan Commission with the following additional conditions as part of the rezoning approval: (1) The following land uses, as defined by the Columbus & Bartholomew County Zoning Ordinance, shall be prohibited: (a) communications service exchange, (b) utility substation, (c) water tower, (d) auto-oriented uses (small scale):

includes a gas station, car wash, tire store, oil change shop, and other similar uses, (e) auto-oriented uses (large scale): includes automobiles, motorcycle, and recreational vehicle sales and service and other similar uses, (g) builder's supply store, (h) auto rental and (i) equipment rental.

(2) All primary structures shall be pedestrian-oriented with the majority of parking spaces provided (not less than 75%) being located behind the structure.

Indiana Code requires that any modification or addition to the conditions of rezoning made as part of the Plan Commission recommendation be referred back to the Plan Commission for consideration, consent, dissent, or further modification.

Mr. Bergman stated the procedure would be that if the Plan Commission consents to the additional conditions that would conclude the process for this request. He stated if the Plan Commission disagrees with any of the conditions or modifies them it would be returned to the City Council and they would need to vote on this request again.

Mr. Eric Meeks with E.R. Gray & Associates and Mr. Mark Pratt with Breeden Incorporated represented the petitioners.

Mr. Meeks stated that some of the land uses that are prohibited seem to be cumbersome to the development of this property. He stated that there might be consideration given to a lesser setback with the majority of parking spaces provided located behind the structures. Mr. Meeks stated that they agreed with three land uses being prohibited that were sent back from the City Council, which are communications services exchange, utility substation and water tower.

Mr. Pratt stated there was a study done on the State Street corridor in the past five years. He stated that many of things on the list were articulated in what the City Council had sent back to the Plan Commission. He stated in restricting the uses, some of them he did not agree with, as some of them already exist on State Street.

Mr. Bergman stated that parking behind the building creates a situation where in order to make sufficient use of the site the building would need to be pushed forward more than what the setbacks would typically allow. He stated a decrease in the setback is something neither the City Council nor the Plan Commission has the authority to approve. He stated that request would come before the City Board of Zoning Appeals as a variance request.

Ms. DeVore stated she had attended the meeting regarding the State Street project when there was a layout study done for East Columbus and State Street Redevelopment. She stated that there was talk of widening State Street in hopes of having a neighborhood friendly area with sidewalks, retail stores and restaurants. Ms. DeVore stated that a huge crowd from East Columbus attended this meeting. Ms. DeVore stated that the ideal was to have a more pedestrian friendly area.

Ms. DeVore asked if the widening project for State Street would affect this site. Mr. Ruble stated yes.

Much discussion was held on the number of lanes that would be on State Street and how the parking would fit behind the building.

Mr. Whitted stated that the City Council would have the final approval of the request and they can limit those uses based upon their findings when they do not think they are appropriate for the

area.

Mr. Ruble asked Mr. Bergman to explain the status of the State Street Plan relative to the incorporation into the Comprehensive Plan.

Mr. Bergman stated approximately five years ago there was an undertaking with the residents and businesses in East Columbus along the State Street corridor to develop a plan for future land uses and development of that corridor. It included a wide range of items; including goals, land uses and the infrastructure improvements along State Street.

Mr. Bergman stated that the State Street Plan has not been adopted as part of the Comprehensive Plan. He stated neither Plan Commission nor the City Council could not actively enforce the plan. He stated that there is a considerable amount of content in the City's Comprehensive Plan that was adopted that follows along the same lines as the State Street Plan. Mr. Bergman stated that City Council supported the parallels between the two documents and they choose the conditions that were supported by the Comprehensive Plan.

Mr. Bergman stated that it was his opinion that based on the history of the public involvement and some of the content in the Comprehensive Plan, the City Council thought that this piece of property had some unique characteristics and therefore it would be appropriate to attach these conditions to the rezoning.

Ms. DeVore stated that the City Council was concerned about the traffic on State Street and the entry would be coming from Gladstone Avenue. She stated there was some question about Kentucky Avenue going through. Mr. Ruble stated they also have frontage on Kentucky Avenue and would be able to utilize that. Mr. Ruble stated this would be closely monitored when any site plan is filed.

Mr. Crider asked where the frontage of the building would be located. Mr. Bergman stated the building would have two frontages, State Street and Gladstone Avenue. He stated it would be necessary to look at a site plan to understand the exact location of the building. Mr. Pratt stated that the building might be oriented more toward Gladstone. He stated that would put the parking lot along State Street.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that the petitioners could go before the City BZA for a front setback variance at later date. He stated that the conditions that the City Council had recommended would be given consideration by the BZA members.

Mr. Pratt stated he would like the opportunity to take the request back to the City Council with modifications.

Motion: Mr. Lang made a motion to return the application to the City Council with Plan Commission agreement on new condition #2 regarding parking location, but disagreement on new condition #1 regarding prohibited uses. Mr. Crider seconded the motion and it carried with

a vote of 8-1 with Ms. Devore being the nay vote.

RZ-08-07: Skaggs Builders / Talley Road – a request by Skaggs Builders to rezone a property of 18.14 acres from AG (Agriculture) to RM (Multi-family Residential). The proposed zoning would transition to RM (Multi-family Residential). The property is located on the northwest corner of Talley Road and Rocky Ford Road in Columbus Township.

Ms. Pope presented the staff information on this request.

Mr. Albert Skaggs, President of Skaggs Construction, Jon Main, Skaggs Construction, Dave Hayward with Christopher Burke Engineering, Mark Isaacs with Independent Land Surveying and Marty Mann with Landwater Group represented the petitioners.

Mr. Skaggs presented a presentation of the proposed apartment complex to members of the Plan Commission and the public. He stated they would be upscale apartments and the complex would include a pool, a clubhouse and the plan is to build 104 units. Mr. Skaggs stated the exterior would be brick and a pleasing design.

Mr. Haza asked how the recent flood affected this property. Mr. Skaggs stated that on Saturday immediately after the rain ceased there are pictures that they would share with the members and the audience.

Mr. Fisher opened the meeting to the public.

Ms. Barbara Watson asked if the units would be rentals. She also expressed concern about the school system being over crowded.

Mr. Robert McCullough asked how the apartment complex would be managed after it is completed.

Mr. Bob Harmon expressed concern about flooding, storm drainage, and the widening of Rocky Ford Road and Talley Road and any other projects that the City is currently involved in and if their schedule would be moved back due to the recent flooding.

Ms. Ellen Fitzsimmons passed out pictures to the Commission members after the recent flood.

Mr. Skaggs stated they have a property management company that has been in existence for 20 years. The company is A&G Leasing, based in Seymour, that will own the units and they will be rentals.

Mr. Fisher stated the schools would be able to accommodate the additional students.

Mr. Fisher stated there was a traffic study done by the petitioner and Mr. Ruble stated the traffic study indicated that traffic added to the existing facilities from this development would not negatively affect the level of service provided by area roads. Mr. Skaggs would be required to widen Talley Road north of Rocky Ford Road along the frontage of their property and that would be included as a condition of the rezoning.

Mr. Ruble stated that the City Engineer's Office has on the current schedule the improvement project for Rocky Ford Road. He stated the financial impacts that have been taken from the flooding would not affect the schedule for that project.

Mr. Isaacs stated that he had a conversation with Keith Reeves, City Utilities Director. He stated that they would be rebuilding the lift station that is in Presidential Parks and will make that to accommodate these apartments and gravity feed over to that location.

Ms. Jackie Richards expressed concern about drainage on 33rd Street after it rains.

Ms. Carol Bonnell asked if these would be low-income housing and had concerns about future phases of development.

Mr. (inaudible) Miles stated he had attended a meeting at Richards School regarding another rezoning request. He expressed concern that Commission members had noted the report regarding that meeting. Mr. Miles stated he was concerned about the decline in property values. He expressed concern about the soil and drainage.

Mr. Jerry Barney expressed concern about flooding in his house.

Mr. Dixon Churchill stated he would like this to remain a single-family dwelling area and expressed concern about flooding. He also stated that he had not received a notice for the second hearing.

Mr. Skaggs stated that he would be developing 104 units and would consider a restriction as part of the rezoning. He stated the rent would be in the range of \$700-\$900 per month.

Mr. Bergman stated that there was no notification sent the second time between the two meetings. The assumption is if people were interested in the item, attended the first meeting, and heard at that time it would be continued, they would have received notice of the next meeting.

Mr. Tony Shaw expressed concern about the volume of traffic on Rocky Ford Road.

Ms. Kathy Pavey expressed concern that Mr. Skaggs could sell this property after the rezoning and anyone else could develop the area.

Ms. Elaine Shaw expressed concern about the safety of children in the area because of the traffic.

Mr. Dave Hayward with Christopher Burke Engineering stated that the Traffic Impact Study showed that the additional traffic would not have a negative impact on this area. Mr. Hayward stated the topography does not affect the level of service. He stated the hazard that is present would be there regardless of the development of this subdivision.

Mr. Terry Kendall expressed concern about Sloan Drain and how it would affect the property north of this development.

Mr. David Smith stated he had submitted a petition signed by 233 people against this proposal.

Mr. Fisher stated he had that petition on file.

Mr. Smith read a letter into the record from Otto (inaudible) opposing this request.

Ms. June Murray stated the area should remain single-family dwellings.

Ms. Quiensberry left the meeting at this time.

Mr. Ray Alhbrand stated he was concerned about the flooding and building a development in the flood plain.

Ms. Joyce (inaudible) expressed concern about the quality of the construction of the houses in Presidential Parks.

Mr. Fisher closed the meeting to the public.

Mr. Main passed out an article to the Plan Commission members from the The Republic stating that long-term housing was needed for Columbus.

Mr. Skaggs addressed the five criteria that were necessary for a rezoning.

Mr. Skaggs stated the project would be beneficial to the local economy.

Mr. Skaggs stated they would be willing to donate to the City of Columbus the green space for a park, but if that was not feasible, all the property will be maintained with walkways and landscaping.

Mr. Skaggs showed pictures of the recent flooding in this area taken from the ground and from the air on Saturday, June 7, 2008 and Sunday June 8, 2008.

Mr. Marty Mann from Landwater Group stated his expertise is drainage and flood plain engineering. He stated he had worked on several projects in Columbus and was aware of the flooding concerns and draining issues connected with this project after the current flooding. He stated the concerns are valid. Mr. Mann stated his engineering firm working with the private sector takes this very serious. Mr. Mann stated his job is to protect the citizens as well as the developer. He stated the retention ponds would be built in a manner to protect Sloan Branch and designed in the same manner as Presidential Parks. He stated that the water would slowly leave the retention pond in a manner that would protect Sloan Branch.

Mr. Bergman stated the issue before the Commission is the most appropriate zoning district for this property. He stated now it is zoned agricultural and the applicant has proposed multi-family residential at that location. Mr. Bergman stated that Indiana law requires that the Plan Commission and the City Council consider the five criteria that are listed in the staff report. He stated that the staff looked at the long-term future land use picture for this portion of the City of Columbus. He stated the City is not made up of just one type of land use, but a variety of types of land uses. Mr. Bergman stated it was the role of the Plan Commission to see how those different types of uses would interact. He stated that staff would recommend this is an appropriate site for multi-family dwellings and would recommend sending a favorable recommendation to the City Council with two recommendations: (1) No development of any kind

will occur in the designated flood plain, and (2) At the time the development occurs the applicant shall improve the west half of Talley Road along the entire frontage of the site to comply with City standards.

Motion: Mr. Ruble made a motion to approve this request and send a favorable recommendation to the City Council with two conditions: (1) No development (including buildings, parking lots, and similar improvements) shall occur in the designated flood plans (as currently defined), and (2) At the time development occurs and prior to any occupancy the developer shall improve the west half of Talley Road along the entire frontage of the site to comply with City standards, Mr. Haza seconded the motion and it failed with a vote of 2 yea votes and 6 nay votes, being Mr. Crider, Mr. Gaynor, Mr. Fisher, Ms. DeVore, Mr. Lang, and Mr. Hatter.

Motion: Mr. Crider made a motion to approve this request and send a favorable recommendation to the City Council with three conditions: (1) No development (including buildings, parking lots, and similar improvements) shall occur in the designated flood plans (as currently defined), and (2) At the time development occurs and prior to any occupancy the developer shall improve the west half of Talley Road along the entire frontage of the site to comply with City standards and (3) The number of units shall be limited to 104. Mr. Ruble seconded the motion and it failed with a vote of 3 yea votes, 5 nay votes. The nay votes were Mr. Fisher, Mr. Hatter, Ms. DeVore, Mr. Gaynor and Mr. Lang.

Motion: Ms. DeVore made a motion to send an unfavorable recommendation to the City Council for this request. Mr. Lang seconded the motion and it failed with a vote of 5 yea votes and 3 nay votes. The nay votes were Mr. Haza, Mr. Crider and Mr. Ruble. The motion failed.

Motion: Mr. Crider made a motion to send this request to the City Council without a recommendation. This motion died from a lack of a second.

Mr. Bergman stated that staff had been assured that all members would be present at this meeting, however one did not show and one had to leave before the vote was taken. He stated that Mr. Bonnell was not present today, but he would not hear the request because there was a conflict of interest. Mr. Bergman stated at most we would have ten voting members present.

Mr. Fisher asked Mr. Whitted what happens if we do not receive six votes on this request.

Mr. Whitted stated that they would need to come up with six votes at some point to forward it to the City Council.

This request will be continued to the August 2008 meeting.

NEW BUSINESS REQUIRING COMMISSION ACTION

RZ-08-10: Louis Brown – a request by Louis Brown to rezone a property of 4.72 acres from RS2 (Single Family Residential) to CC (Community Commercial). The property is located at 4730 North Indianapolis Road in the City of Columbus.

Ms. Pope presented the background information on this request.

Mr. Jeff Rucker, Attorney and Mark Isaacs, Surveyor with Independent Land Surveying represented the petitioner.

Mr. Rocker passed out documents to the Plan Commission members.

Mr. Rocker presented a power point presentation to the Commission of the area. He stated there were many industrial zoning sites near the said property on Indianapolis Road and commercial on the other side of U.S. Highway 31. He stated the residential ran north and south. Mr. Rocker stated that the Comprehensive Plan is a blueprint to be used as long-term guide for physical development of a community. Mr. Rocker stated the goals of the Comprehensive Plan play a central role in zoning and allocate of land use for future development.

Mr. Rocker stated that staff comments point to this for approval as a rezoning. He stated that they wanted to create a friendly business climate and continued commercial growth in this area. Mr. Rocker stated that small business represented the vast majority of growing economics in the country. Mr. Rocker stated that this property has opportunities as to what the market would call for at this site and allow for continued growth. He asked if it were appropriate to allow further residential development knowing that at some point those people would be in a commercial area eventually.

Mr. Rocker stated that the residential area already borders on industrial and commercial. He stated this is not a change of character, this is just continuing the pattern of development in that area. He stated this request is supported by the Comprehensive Plan and would ask for a favorable recommendation is sent to the City Council.

Mr. Fisher opened the meeting to the public.

Mr. David Petro stated that he disagreed with the presentation of pictures that was shown in Mr. Rocker's presentation. He stated nothing had changed in the area and he requested that the petition be denied. Mr. Petro expressed concern for the safety of the children in the neighborhood.

Mr. Bergman stated that the Plan Commission's rules prohibit an application to return within a year after being denied unless there is a change in the application. In this case, they are requesting a different zoning that was requested previously.

Ms. Kim Turner stated that this was a residential area and the character of the neighborhood has been well maintained. She expressed concern about traffic, heavy trucks driving the roads and safety of the children, and does not want commercial business located in a residential neighborhood.

Ms. Marge Lazzell stated that a petition had been passed out to the Commission signed by 33 residents opposing the rezoning in this residential area. She stated that most of the lots were over one acre.

Mr. Fisher stated that the petition signed by the 33 residents was a part of the record.

Mr. Fisher read into the record a letter from Faith and Dave Craig opposing the rezoning.

Mr. Fisher read into the record a letter from Norman C. Handt who wanted the zoning to remain residential.

Mr. Fisher stated that the Planning Department had received a phone call from a resident in the area that opposed the rezoning.

Mr. Jim Gwin stated in the past Mr. Brown had failed to keep his property mowed. He stated that he had also place fill dirt in the area that changed the natural flow of the water Mr. Gwin also expressed concern about bright lights shining on his property from a commercial business.

Mr. Fisher closed the public hearing.

Mr. Finke asked what the zoning was at this site when the Comprehensive Plan was adopted. Mr. Bergman stated that it was not clear on the zoning maps and staff had interrupted it to be Industrial.

Ms. DeVore asked if the error had not been made and it would have remained residential all through the Comprehensive Plan, would the property that Mr. Brown owns now where the trailer sales is located been allowed. Mr. Bergman stated the error did not affect that property at all.

Much discussion was held regarding the zoning in this area.

Mr. Bergman stated that there is a significant area of industrial and commercial uses at this site, even though there is the pocket of residential zoning in that area. He stated that the Comprehensive Plan does show that entire triangle area as a future commercial site. Mr. Bergman stated that given the nature of traffic and the roads types and access that is available at that location the land does suit itself, for commercial uses. He stated that this would include all the residential properties at that location. Mr. Bergman stated that staff would recommend sending a favorable recommendation to the City Council with the following conditions: (1) The owner shall dedicate right-of-way along the County Road 150 West frontage of the property, and (2) At the time any development occurs and prior to any occupancy the developer shall improve the east half of County Road 150 West long the entire frontage of the site to comply with standards of the Subdivision Control Ordinance.

Motion: Ms. DeVore made a motion to send an unfavorable recommendation to the City Council on this rezoning request because of the people who own these houses have been there and have maintained their homes. Mr. Haza seconded the motion and it carried with a vote of 6-2 with Mr. Fisher and Mr. Ruble being the nay votes.

DISCUSSION ITEMS

Tom Finke-Legal Drain Presentation/Discussion.

Mr. Finke passed out a map to the Commission, which gave the location of all regulated drains in Bartholomew County. He stated a regulated drain is under the jurisdiction of the Bartholomew County Drainage Board Mr. Finke stated that to establish a regulated drain it has to go though the petition process for approval. He stated that Bartholomew County has a Citizens Board and the Surveyor's Office does the administrative work for the Board. Mr. Finke stated they oversee the day-to-day operation of the Board.

Approval of Planning Department Flood Emergency Protocol and Policies.

Mr. Bergman stated there have been some changes in standard operating procedures since the

flood. He stated that enforcement regarding the occupancy of RV's in residential areas is suspended for flood-damaged properties. All copy charges for any business seeking to replace site plans and other information are waived. Mr. Bergman stated that temporary office trailers should be permitted on flood-damaged properties during reconstruction. Enforcement of development standards for site features, such as paved parking, landscaping, etc is suspended for business in the reconstruction process and all flood related applications will be given review priority. Mr. Bergman stated that all flood-related fees are waived.

Mr. Bergman stated that he wanted the Commission to be aware of these changes and would like approval from them to proceed with these protocol and policies that have been put in place. The members all agreed.

Mr. Bergman stated that there were approximately 1300 damaged homes. He stated that less than half of those were in a flood plain and the remainder was not. The heaviest flood plain areas were in Ever road Park West, The Lagoons, Wheezier Addition, Pleasant Grove Addition, and the Mapleton area behind the Cummins Tech Center. Mr. Bergman stated that all the houses he mentioned in the flood plain preceded the current flood protection requirements established in 1982.

Mr. Bergman stated that staff has been working closely with Code Enforcement. He stated that our responsibility is the enforcement and administration of the National Flood Insurance Program in Columbus. Mr. Bergman stated that FEMA makes flood insurance available to the County and City in exchange for the County and City agreeing to enforce the minimum requirements. He stated damage assessments need to occur when there is a flood event of every damaged structure in the flood plain. He stated that each one of those structures is required to obtain a building permit for any type of repair activity. Mr. Bergman stated that Mr. Weintraut had worked in the Code Enforcement office for a number of days to interpret the flood plain maps for the customers to determine the correct course of action to be taken.

Mr. Bergman stated that the Mayor had asked the Planning Department staff to take the lead on understanding what options might be available to people with a buy out of homes in certain floodplain areas. He stated there would be meetings in the future where they would be asking for public input. Mr. Bergman stated this would be a long-term process that would take four to six months before we know if any areas would qualify. He stated that the City would have a 25% match to the Federal monies that would be available.

Appointment of Thom Weintraut as a BZA Hearing Officer.

Mr. Bergman stated that the National Flood Insurance Plan has set a minimum standard that the City is required to enforce to participate. In addition to that, since 1982 when we adopted our regulations the City has done some extra things. He stated that FEMA says that substantial damage is 50% the City adopted a 40% threshold for substantial damage. Mr. Bergman stated this was done in order to participate in a program called the Community Rating System. He stated the more that is done, the more points are accumulated and therefore the community is eligible for discounts on flood insurance. The City and County have accumulated enough points for a 5% discount. Mr. Bergman stated that the decision was made early in this event by the Mayor that the City would be looking for some ways to provide relief to the citizens without jeopardizing our participating in the National Flood Insurance Program, but possibility risk losing our 5% discount.

Mr. Bergman stated that individuals in the 500-year flood plain would be given a chance to rebuild without elevating their homes and individuals that have received 40% or 50% damage in the 100-year floodplain would be allowed to rebuild without elevating their property. Mr. Bergman

stated they would need to apply for a variance and the Hearing Officer would hear those cases.

Mr. Bergman stated this would take a long period to figure out all of these different situations and staff will need to support Code Enforcement as much as possible. He stated they would be issuing approximately twice the number of permits they issue annually. Mr. Bergman stated that there will be a number of people who will not obtain permits for the repair and that will need to be addressed later.

Mr. Bergman asked the Commission to appoint Mr. Weintraut as a Hearing Officer due to the volume of variances that will be filed and will be heard in the Planning Department.

Mr. Bergman stated that most other long term projects have been put on hold until the flood emergencies have been addressed.

Motion: Mr. Crider made a motion to appoint Thom Weintraut as a BZA Hearing Officer. Mr. Haza seconded the motion and it carried unanimously by voice vote.

Discussion of Planning Department Budget & Receipts (Receipts=25% of Budget in 2007).

This discussion was postponed to a later date.

DIRECTOR'S REPORT

Mr. Bergman introduced John Wallace as the new Summer Intern.

LIASION REPORT

ADJOURNMENT: 8:45 P.M.

David L. Fisher, President

Steven T. Ruble, Secretary